

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA)**

IN RE:

Dennis E. Nord
Dina Nord
Debtor

CHAPTER 13

CASE NO.: 21-10004-amc

HEARING DATE: 03/12/2024

TIME: 11:00am

LOCATION: Courtroom #4

**MOTION OF CARRINGTON MORTGAGE SERVICES, LLC FOR RELIEF FROM
THE AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(A) TO PERMIT MOVANT
TO COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON 2323 ROMA
DR, PHILADELPHIA, PA 19145**

AND NOW COMES, Carrington Mortgage Services, LLC (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. §362(a) to permit Movant to commence or continue its foreclosure on real property located at 2323 Roma Dr, Philadelphia, PA 19145 (the “Mortgaged Premises”).

2. On or about December 7, 2018, Dina Nord (“Debtor”) executed and delivered to Carrington Mortgage Services, LLC a Promissory Note (“Promissory Note”) in the principal amount of \$423,000.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor granted to Mortgage Electronic Registration Systems, INC. as nominee for Carrington Mortgage Services, LLC, a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the Philadelphia County Recorder of Deeds Office on December 20, 2018 in Instrument Number 53456844. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit “C.”

5. On January 4, 2021, Debtors filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.

6. The Debtors listed the current value of the Mortgaged Premises in his Schedule A/B in the amount \$485,000.00.

7. As of the petition date, Movant is the holder of a secured claim in the amount of \$489,633.89 with pre-petition arrears due in the amount of \$76,586.73 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises per the Proof of Claim 5 filed January 28, 2021.

8. The current monthly payment on the Mortgage is \$3,508.99 per the Notice of Payment Change filed November 22, 2023.

9. Debtor is currently in arrears post-petition for failure to pay the post-petition payments due November 1, 2023 through February 1, 2024 in the amount of \$14,110.12 (\$3,546.07 x 2 months and \$3,508.99 x 2 months) minus \$269.47 in suspense, for a total of \$13,840.65. A true and correct copy of the post-petition ledger is attached hereto and made apart hereof as Exhibit “D”.

10. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d) as the Debtor has defaulted on post-petition payments.

WHEREFORE, Carrington Mortgage Services, LLC respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff’s Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

By: /s/ Angela C. Pattison

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